

REMARKS

Summary of the Office Action

In the Office Action, the drawings are objected to as failing to show the conventional names as described in the specification under 37 C.F.R. § 1.83(a).

Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the features of the base claim and any intervening claims.

Claims 4-6 stand rejected under 35 U.S.C § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,525,511 to *Kubale et al.* ("*Kubale*") in view of U.S. Patent No. 6,373,152 to *Wang et al.* ("*Wang*"), and further in view of JP-2002142375 ("*JP'375*").

Summary of the Response to the Office Action

Applicants wish to thank the Examiner for indicating allowable subject matter in claims 1-3. Based on the following remarks, Applicants believe claims 4-7 are also allowable.

Objection to the Drawings

The drawings were "objected to under 37 C.F.R. § 1.83(a) as failing to show the conventional names as described in the specification e.g., capacitor, grip part, contact arm, etc." Applicants respectfully disagree. The features listed above in the Office Action are clearly shown in the drawings. The capacitor is shown as item 8 in Fig. 1 of the present invention. The grip part is shown as item 4, and the contact arm is shown as item 7 in Fig. 1 of the present invention. See page 3, lines 25-26 of the specification. Applicants respectfully submit that the drawings fully comply with 37 C.F.R. § 1.83(a). Therefore, Applicants respectfully request that the objection to the drawings be removed.

All Subject Matter Complies with 35 U.S.C. § 103(a)

Claims 4-6 stand rejected under 35 U.S.C § 103(a) as allegedly being unpatentable over *Kubale* in view of *Wang*, and further in view *JP '375*. Applicants respectfully traverse the rejection for the following reasons.

To establish a *prima facie* case of obviousness, three basic criteria must be met (see MPEP §§ 2142-2143). First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill the art, to combine reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art references must teach or suggest all the claim limitations.

Applicants respectfully submit that independent claim 4 includes the features of “a plurality of electric double layer capacitors mounted in a tool main body as a power supply of a motor and rechargeable by an external power supply.” At least the above features are absent from, and are neither disclosed nor taught, alone or in combination, by *Kubale*, *Wang*, and *JP '375*.

The Office Action does not identify any features that *Kubule* allegedly discloses. In fact, the Office Action states that “*Kubule* does not disclose” most of the features in independent claim 4. See page 3, line 1 of the Office Action. Therefore, Applicants respectfully submit that the rejection of claims 4-6 should be withdrawn because the Office Action has not established a *prima facie* case of obviousness at least because *Kubale*, *Wang*, and *JP '375* whether alone or in combination, do not teach or suggest all the recited features of independent claim 4. Namely, since *Kubale*, *Wang*, and *JP '375* do not disclose at least “a plurality of electric double layer capacitors mounted in a tool main body as a power supply of a motor and rechargeable by an

external power supply.” Applicants request that the Examiner provide a specific citation to the applied references of record that discloses the above-mentioned features.

As pointed out in M.P.E.P. § 2143.03, “[t]o establish prima facie obviousness of a claimed invention, all the claimed limitations must be taught or suggested by the prior art”. *In re Royka*, 409 F.2d 981, 180 USPQ 580 (CCPA 1974). As such, Applicants respectfully assert that the third prong of *prima facie* obviousness has not been met. Therefore, Applicants respectfully request that the rejection under 35 U.S.C. § 103(a) should be withdrawn because *Kubale*, *Wang*, and *JP’375* do not teach or suggest each and every feature of independent claim 4.

Additionally, Applicants respectfully submit that dependent claims 5-7 are also allowable insofar as they recite the patentable combinations of features recited in claim 4, as well as reciting additional features that further distinguish over the applied prior art.

CONCLUSION

In view of the foregoing, Applicants respectfully request reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of the Response, the Examiner is invited to contact the Applicants' undersigned representative to expedite prosecution.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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